

REMARKS

Claims 1, 3, 5-13, 15-19, 21-24, and 30-31 are pending in the present application. Claims 1, 13, and 30 are independent claims.

The title of the application is objected to as not aptly descriptive. The title is amended to add the phrase "with code pattern". As amended, the title is believed to be adequately descriptive. Withdrawal of the objection to the title is respectfully requested.

Claims 1-24, and 30-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 2, 4, 14, 20, and 32 have been cancelled without prejudice or disclaimer of the subject matter recited therein. The rejection is traversed in light of the amendments to claims 1, 13 and 30. Support for the amendments is found in the specification, particularly at page 2 lines 30-31, page 5 line 3, page 9 lines 16 and 21-25, and Figures 1-2. No new matter is added by virtue of the amendments. The rejection sets forth several points, which will be addressed below.

Regarding claims 1, 13, and 30:

The rejection proffers that it is unclear what the metes and bounds of a "discernible" code pattern would be. Claims 1 and 13 are amended to recite that the bar code pattern is optically discernible from the substrate in order to identify the bar code pattern. Claim 30 is amended to recite that the means for identifying the biosensor is optically discernible from the substrate in order to identify the means for identifying the biosensor. The claims as amended are believed to be sufficiently definite.

Regarding claim 13:

The rejection proffers that it is it is unclear what a "sufficient contrast" would be. As discussed above, claim 13 has been amended to recite that that the bar code pattern is optically discernible from the substrate in order to identify the bar code pattern. As such, the claim as amended is believed to be sufficiently definite.

Regarding claim 30:

The rejection proffers that the presence of "mean for identifying" and later reference to an "identifying means" is potentially confusing. As such, claim 30 has been amended to recite consistent use of the term "means". The claim as amended is believed to be sufficiently definite.

Regarding dependent claims 5 and 15:

The claims are amended to correct a typographical error.

Regarding dependent claims 6 and 16:

Claims 6 and 16 are amended to recite that the bar code pattern is electrically discernible from the substrate in order to identify the bar code pattern.

In light of the above amendments, the claims are believed to be sufficiently definite for purposes of 35 U.S.C. 112, second paragraph. Reconsideration of the rejection in light of the amendments, leading to withdrawal of the rejection and allowance of the claims is respectfully requested.

The Examiner's statement that claims 2, 20, and 32 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in the Office action and to include all of the limitations of the base claim and any intervening claims is acknowledged. Independent claims 1, 13, and 30 have been amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph and to include the limitations of claims 2, 20, and 32 respectively. As such, allowance of independent claims 1, 13, and 30 is respectfully requested.

Claims 1, 4-19, 22-24, 30 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawanaka et al. (USP 6,599,406 B1) [hereinafter Kawanaka]. Claims 4 and 14 are cancelled without prejudice or disclaimer of the subject matter recited therein.

As discussed above, claims 1, 13, and 30 have been amended to include the limitations of allowable claims 2, 20, and 32 respectively. Claims 5-12 depend from amended claim 1, claims 15-19 and 22-24 depend from amended claim 13, and claim 31 depends from amended claim 30. As such, the claims as amended are not anticipated and believed to be patentable over Kawanaka et al. Reconsideration of the rejections, leading to withdrawal of the rejections and allowance of the claims is respectfully requested.

Claims 3 and 21 (and claims 5 and 15 in the alternative) are rejected under 35 U.S.C. 103(a) as being obvious Kawanaka et al. (USP 6,599,406 B1) [hereinafter Kawanaka] in view of Song et al. (USP 5,567,302).

As discussed above, claims 1 and 13 have been amended to include the limitations of allowable claims 2 and 20 respectively. Claim 3 depends from amended claim 1 and claim 21 depends from amended claim 13. Accordingly, the claimed invention meets the


test of patentability under 35 U.S.C. 103(a). Entry of the amendments leading to reconsideration of the rejection of the claims and withdrawal of the rejection is respectfully requested.

Reconsideration of the rejections, leading to withdrawal of the rejections and allowance of the claims is respectfully requested.

This application is deemed to be in condition for allowance and as such is respectfully requested. In addition, it is requested that this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and fees be charged to Deposit Account No. 02-2958 with reference to (RDID 00108 US).

Respectfully submitted,

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